# REPORT - PLANNING COMMISSION MEETING October 28, 2004

Project Name and Number: WASHINGTON BOULEVARD/PASEO PADRE PARKWAY GRADE SEPARATION

PROJECT PROPERTY ACQUISITION AND BART PROPERTY EXCHANGE (PLN2005-

00097)

**Applicant:** City of Fremont

**Proposal:** To consider a Finding of Conformity with the General Plan for: 1) the acquisition of

properties from the San Francisco Bay Area Rapid Transit District (BART) through the proposed "Property Exchange Agreement" for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project and the BART Warm Springs Extension (WSX) Project, 2) the acquisition of properties from private property owners for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project, and 3) the disposition of City owned properties to BART for the WSX Project through the proposed "Property Exchange"

Agreement".

**Recommended Action:** Find that the proposed property acquisition and disposition conforms to the General Plan,

based on findings stated in Exhibit "A".

**Location:** Various. (Refer to Exhibits "B" & "C")

**APN:** Various. (Refer to Exhibit "B")

Area: Various. (Refer to Exhibit "B")

Owner: Various. (Refer to Exhibit "B")

Agent of Applicant: Jim Pierson, Assistant City Engineer, City of Fremont

**Environmental Review:** The Washington Boulevard / Paseo Padre Parkway Grade Separation Project (PWC8156)

is statutorily exempt from the requirements of California Environmental Quality Act (CEQA) per Section 15282(h) of the CEQA Guidelines which exempts any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation (See Section 21080.13 of the California Public Resources Code; and Title 14, Section 15282(h) of the California Code of Regulations). A Notice of Exemption was filed on March 8, 2000. A Mitigated Negative Declaration (PLN2004-00084) was adopted by the City Council on March 23, 2004 for two parcels on Osgood Road (Property # 7 & 8 on Exhibit "B") to be acquired from BART, as part of the Osgood Road Widening Project (PWC8173). An Environmental Impact Report (EIR) for the proposed BART Warm Springs

Extension (WSX) Project was certified by the BART Board of Directors in 1992. A Supplemental Environmental Impact Report (SEIR) for the WSX Project was certified by

the BART Board of Directors in June of 2003.

**Existing General Plan:** Various. (Refer to Exhibit "B")

**Existing Zoning:** Various. (Refer to Exhibit "B")

**Existing Land Use:** Various. (Refer to Locational Maps)

**Public Hearing Notice:** Public hearing notification is applicable. A one-eighth (1/8)-page display advertisement was delivered to The Argus on October 11, 2004, to be published by October 14, 2004.

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**Executive Summary**: The proposed project includes a Finding of Conformity with the General Plan for: 1) the acquisition of properties from the San Francisco Bay Area Rapid Transit District (BART) through the proposed Property Exchange Agreement for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project and the BART Warm Springs Extension (WSX) Project (referred to in this report as "Property Exchange Agreement"), 2) the acquisition of properties from private property owners for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project (PWC8156) (Grade Separation Project), and 3) the disposition of City owned properties to BART for the WSX Project through the proposed Property Exchange Agreement.

**Background and Previous Actions:** The San Francisco Bay Area Rapid Transit District (BART) has been in operation since 1972 and currently operates in four Bay Area counties: San Francisco, Alameda, Contra Costa and San Mateo. In response to public support for the extension of BART in southern Alameda County, BART is proposing a 5.4-mile extension of the BART system south from the existing Fremont BART Station to a proposed new station in the Warm Springs District of the City of Fremont, with an optional station at Irvington. This proposed BART project is referred to as the BART Warm Springs Extension (WSX) Project.

BART prepared an Environmental Impact Report (EIR) for the Warm Springs Extension (WSX) in 1991. In 1992, the BART Board of Directors certified the Final EIR and adopted a project for the WSX. In 2003, BART prepared a Supplemental Environmental Impact Report (SEIR) for the WSX. The BART Board of Directors certified the Final SEIR in June of 2003. Implementation of the proposed BART Warm Springs Extension involves a subway under the City's Central Park, which subway is being pursued by BART at the request of the City in order to minimize disruption to Central Park (by avoiding the WSX project being constructed elevated over Central Park).

Specifically, the proposed BART alignment would proceed in a cut-and-cover subway under Stevenson Boulevard and Fremont Central Park. The alignment under Fremont Central Park would pass underground between the area of the softball playing fields and through a portion of the parking lot. It would then pass under the northeastern arm of Lake Elizabeth and cross under the existing Union Pacific Railroad (UPRR) tracks.

On September 23, 2004, the Planning Commission approved a Finding for General Plan conformity for the proposed disposition to BART of an approximately 1.0 acre of land in Central Park to facilitate BART's proposed construction of two vent and emergency evacuation structures and the proposed acquisition from BART of an approximately 1.0 acre of land east of the existing Union Pacific Railroad (UPRR) tracks adjacent to Stivers Lagoon. The proposed parkland acquisition and disposition, were also required to be reviewed by the Recreation Commission for compliance with the Public Parks Preservation Act (California Public Resources Code sections 5400-5409). On October 6, 2004, the Recreation Commission reviewed this project and unanimously supported staff's recommendations to the City Council.

Proceeding south, the design of the proposed BART alignment anticipates the City's construction of the proposed Grade Separation Project at Paseo Padre Parkway and Washington Boulevard. The proposed Grade Separation Project includes the depression of Paseo Padre Parkway under the existing UPRR tracks and future BART tracks and the elevation of Washington Boulevard over the existing UPRR tracks and future BART tracks. Approximately 1.5 miles of the UPRR railroad tracks will be relocated to facilitate the two grade separations and eliminate the existing at-grade railroad crossings at Washington Boulevard, Paseo Padre Parkway, High Street, and Main Street. The Grade Separation Project's primary purpose is to improve traffic flow and safety by eliminating four grade crossings. In addition, it will allow the future BART WSX to operate at-grade through the Grade Separation area. The Grade Separation Project is for the construction of a railroad grade separation, which is statutorily exempt from the requirements of CEQA per Section 15282(h) of the CEQA Guidelines.

On June 3, 2004, the Historical Architectural Review Board (HARB) reviewed and commented on the process to mitigate the possible demolition of the Irvington Body Shop (circa 1930) at 3734 Washington Boulevard (# 20 & 21, Exhibit "B") and Taylor's Antique Shop (circa 1932) at 3623 Washington Boulevard (# 22, Exhibit "B"), which are located on properties to be acquired from private property owners for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project. The Washington Boulevard grade separation would consist of an overpass structure approximately 500 feet in length and requires the removal of some of the buildings on the north and south side of Washington Boulevard between the existing railroad crossing and Roberts Avenue. In response to HARB's request, staff advertised in the San Jose Mercury News, Tri-City Voice, Fremont Bulletin, and Oakland Tribune, articles and pictures of both properties encouraging

the relocation of the buildings by private parties. In the event no interest was expressed by the community to relocate the buildings, HARB agreed with staff's recommendation to mitigate the demolition of the buildings by providing oral history documentation from different owners, color photos, video documentation, and photographs of the interior of the buildings. It was also agreed that any historic elements of the buildings be made available to historical societies in the area for salvage after the photo documentation is completed. At the writing of this report, there were no firm interests expressed for the relocation and the buildings will be documented before demolition. Interested parties will be salvaging architectural elements and material from the buildings and the Engineering Division has secured a consultant for the preparation of the documents and photographs for mitigation.

As part of the proposed Property Exchange Agreement between BART and the City of Fremont, numerous properties will be acquired for the Grade Separation Project and two properties will be acquired for the Osgood Road Widening Project (PWC8173). Currently, Osgood Road between Washington Boulevard and Auto Mall Parkway varies in width and number of lanes and effectively operates as a two-lane road. The proposed Osgood Road Widening Project consists of the completion of the unimproved portions of Osgood Road, and it is anticipated that right-of-way and easement acquisitions will be required from approximately 30 parcels. The ends of the Osgood Road Widening Project will match improvements completed with the Grade Separation Project. A Mitigated Negative Declaration (PLN2004-00084) for the Osgood Road Widening Project was adopted by the City Council on March 23, 2004 for the two parcels on Osgood Road (Property # 7 & 8 on Exhibit "B") to be acquired from BART.

**Project Description:** The City of Fremont is requesting that the Planning Commission find that the proposed acquisitions of approximately 13.1 acres of properties (Property # 1 ~ 16 & 28, Exhibit "B") through the Property Exchange Agreement and the acquisition of approximately 9.6 acres of properties (Property # 17 ~ 34, Exhibit "B") from private property owners for the Grade Separation Project are in conformity with the General Plan. Additionally, the City of Fremont is requesting that the Planning Commission find that the proposed dispositions of approximately 4.0 acres of City owned properties to BART for the WSX Project through the Property Exchange Agreement are in conformity with the General Plan.

The proposed BART WSX Project extension from the existing Fremont BART station to the Warm Springs District will require the disposition of various City properties and street right-of-way to BART. The WSX Project proposal includes an aerial crossing over Walnut Avenue (# 35), a subway easement under Stevenson Boulevard and Central Park (# 36, 37 & 38), an at-grade crossing at Paseo Padre Parkway (# 39 & 40), an at-grade crossing at Washington Boulevard (#41), the partial disposition of property and easement on the westerly property boundary of the new City Corporation Yard on Osgood Road (# 42), an at-grade crossing at Prune Avenue (# 43), an aerial crossing over Grimmer Boulevard (#44) and an easement at Warm Springs Court (# 45.)

The proposal is an implementing portion of the BART WSX Project, as explained in the "Background and Previous Actions" section above and would result in temporary construction impacts and permanent structures. The purpose of this report is to identify the proposed acquisitions and dispositions of property and the General Plan conformity of such acquisitions and dispositions.

**Legal Requirement for Public Land Acquisition:** California Government Code Section 65402 provides that the City may not acquire or dispose of any property until the location, purpose, and extent of the acquisitions and dispositions have been reviewed by the Planning Commission as to conformity with the adopted General Plan.

Assuming the Planning Commission finds that the acquisitions and dispositions are in conformity with the General Plan, the City Council will consider the proposed acquisitions and dispositions in late November of 2004 as part of the Property Exchange Agreement with BART.

**General Plan Conformance:** There are several sections of the General Plan that relate to the proposed BART Warm Springs Extension, and the City's Grade Separation Project, and identify the City's need for the projects and benefit from the projects. These are found in the Fundamental Goals of the General Plan section, in the Transportation section, and in the Parks and Recreation section, as detailed below.

#### Fundamental Goals of the General Plan:

# Goal F-11: INCREASED TRANSPORTATION ALTERNATIVES AND REDUCED DEPENDENCY ON THE AUTOMOBILE

While the auto will continue to be the dominant transportation mode for the foreseeable future, it is clear that over-dependence on the auto is not in the city's best interest. The high environmental and monetary cost of maintaining this dependency are indisputable. Fossil fuels are a finite resource that should not be squandered. The City of Fremont should promote strategies to encourage less dependency on the auto.

Staff Analysis: The dispositions of property to BART are consistent with this Fundamental Goal of the General Plan because the subject area of the dispositions are needed to implement the possible BART route to Warm Springs. Implementation of the BART extension to Warm Springs will provide public transit options in a larger geographic area for drivers who are now dependent on the auto and provide increased local and regional transportation alternatives and accessibility for the future. The BART improvements should increase transportation efficiency while minimizing adverse environmental effects by displacing air-polluting regional auto trips to transit trips.

The future BART alignment to Warm Springs is also shown on the existing General Plan Land Use Maps (Enclosures – Locational Maps).

The City is promoting strategies to encourage less dependency on the auto by collaborating with BART to facilitate construction of the BART WSX Project.

#### Transportation Goals and Policies:

# Goal T-1: EFFICIENT USE OF ROADWAY SYSTEM TO PROVIDE CONVENIENT TRAVEL, REDUCE CONGESTION, AND IMPROVE AIR QUALITY

Objective T 1.2: Smooth traffic flow on most arterials and collectors

**Policy T 1.2.9:** Consider grade separated rail-roadway crossings to improve traffic flow

at critical intersections. Prior to approval, grade separated crossings shall be evaluated for their impacts on the character of commercial centers, on neighborhood character, on neighborhood quiet and on

scenic vistas from designated scenic roads.

**Implementation 1:** Designate and prioritize critical rail-roadway crossings.

Staff Analysis: The acquisitions of property are consistent with this Transportation Goal, Objective, Policy and Implementation Program. The acquisition of properties are essential for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project. Washington Boulevard has historically been utilized as a major east to west arterial connecting the Mission San Jose and Irvington area and a significant amount of traffic utilizes both Washington Boulevard and Paseo Padre Parkway to access Interstate 680 as well as local destinations. With the existing at-grade crossings, train traffic frequently blocks vehicular traffic, causing significant congestion along Washington Boulevard and Paseo Padre Parkway and nearby cross-streets. Train blocking delays and crossing closures due to train traffic can be eliminated at these critical intersections with the implementation of the Grade Separation Project.

The dispositions of property are also consistent with this Transportation Goal, Objective, Policy and Implementation Program because the dispositions are essential for the BART WSX Project. With the anticipated increase in BART trains on the rail system, the BART WSX Project will promote the efficient use of the roadway system to provide convenient travel by reducing congestion and improving traffic flow, safety and air quality.

The Washington Boulevard / Paseo Padre Parkway Grade Separation Project also has potential impacts related to land use and to neighborhood and visual character where there are adjoining residential and commercial / industrial uses. A series of eight workshops were held with the community between May and November of 2000 where community members and business interests identified and prioritized key issues and collaborated with the City to evaluate design options for the grade separations at Washington Boulevard and Paseo Padre Parkway. The issues included dimension of the structure, noise, property values, visual and aesthetic treatments, privacy, traffic and detours and quality of life. The final project designs approved by the City Council in January of 2001 reflected the input provided by the community.

Additionally, an Historic Architectural Survey Report was prepared in March, 2002, to evaluate and identify potential historically and architecturally significant resources in the project area that would be impacted by the Washington Boulevard Grade Separation Project. Two properties, identified to have historic integrity, were reviewed by the Historical Architectural Review Board (HARB) on June 3, 2004. HARB provided input on the process to mitigate the possible demolition of the Irvington Body Shop (circa 1930) at 3734 Washington Boulevard (# 20 & 21, Exhibit "B") and Taylor's Antique Shop (circa 1932) at 3623 Washington Boulevard (# 22, Exhibit "B"), which are located on properties to be acquired from private property owners for the Washington Boulevard Grade Separation Project. At HARB's request, staff advertised in local newspapers and publications, articles and pictures of both properties encouraging the relocation of the buildings by private parties. In the event no interest was expressed by the community to relocate the buildings, HARB agreed with staff's recommendation to mitigate the demolition of the buildings by providing oral history documentation from different owners, color photos, video documentation, and photographs of the interior of the buildings before material is salvaged.

Goal T-2: CONVENIENT ALTERNATIVES TO THE AUTOMOBILE TO CONSERVE ENERGY, REDUCE CONGESTION, IMPROVE AIR QUALITY AND PROVIDE A VARIETY OF TRANSPORATION CHOICES TO MEET A VARIETY OF NEEDS

**Objective T 2.2:** Convenient and attractive rail service to serve Fremont residents,

workers and businesses as a viable alternative to the automobile.

**Policy T 2.2.1:** Encourage the development of rail systems serving Fremont residents,

workers and businesses.

**Implementation 1:** Actively support BART extension to the southern part of Fremont, with

stations in Irvington, Warm Springs and South Fremont.

Staff Analysis: The dispositions of property are consistent with this Transportation Goal, Objective, Policy and Implementation Program because the subject area of the dispositions are needed to implement the possible BART route to Warm Springs. Implementation of the BART Warm Springs extension would increase transportation efficiency and provide convenient rail service to local and regional residents, workers and businesses while minimizing adverse environmental effects by displacing air-polluting regional auto trips to transit trips. The City's support of the BART extension to the southern part of Fremont, including Warm Springs, executes Implementation Program 1.

In summary, these General Plan sections anticipate the BART extension and the Washington Boulevard / Paseo Padre Parkway Grade Separation Project and support the Finding of General Plan conformity.

Environmental Analysis: The Washington Boulevard / Paseo Padre Parkway Grade Separation Project (PWC8156) is statutorily exempt from the requirements of California Environmental Quality Act (CEQA) per Section 15282(h) of the CEQA Guidelines which allows an exemption for any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation. (See Section 21080.13 of the California Public Resources Code; and Title 14, Section 15282(h) of the California Code of Regulations). A Notice of Exemption was filed on March 8, 2000. A Mitigated Negative Declaration (PLN2004-00084) was adopted by the City Council on March 23, 2004 for two parcels on Osgood Road (Property # 7 & 8 on Exhibit "B") to be acquired from BART, as part of the Osgood Road Widening Project (PWC8173). An Environmental Impact Report (EIR) for the proposed BART Warm Springs Extension (WSX) Project was certified by the BART Board of Directors in 1992. A Supplemental Environmental Impact Report (SEIR) for the WSX Project was certified by the BART Board of Directors in June of 2003.

**Enclosures:** Zoning and General Plan Land Use Locational Maps

**Exhibits:** Exhibit "A" Findings

Exhibit "B" List of Properties to be Acquired and Disposed

Exhibit "C" C-1 Grade Separation Project Property Exchange Exhibit

C-2 Walnut Avenue

C-3 Stevenson Boulevard

C-4 Central Park C-5 Golf Course

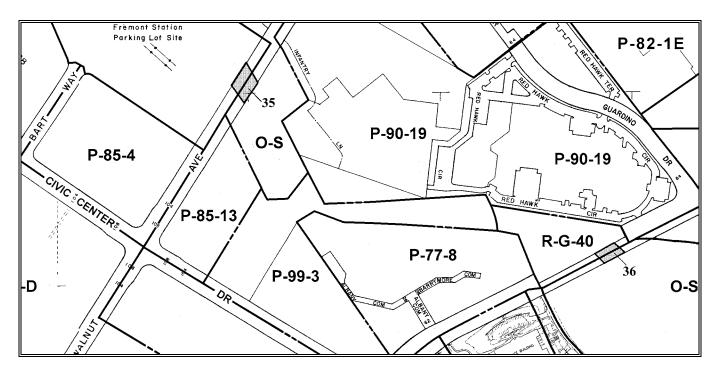
C-6 Paseo Padre Parkway C-7 Washington Boulevard

C-8 Blacow Road
C-9 Prune Avenue
C-10 Grimmer Boulevard
C-11 Warm Springs Court

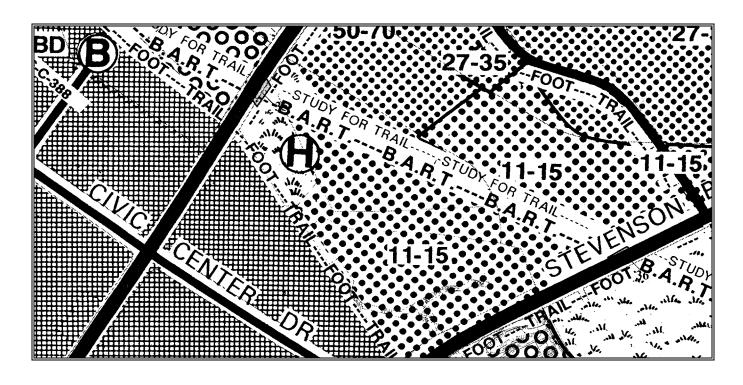
### **Recommended Actions:**

- 1. Hold public hearing.
- 2. Find that the property acquisitions and dispositions which are the subject of PLN2005-00097 are exempt from further CEQA review, as provided in this staff report.
- 3. Find that PLN2005-00097 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Fundamental Goals and Transportation Chapters, as set forth in Exhibit "A", hereby adopted by reference.

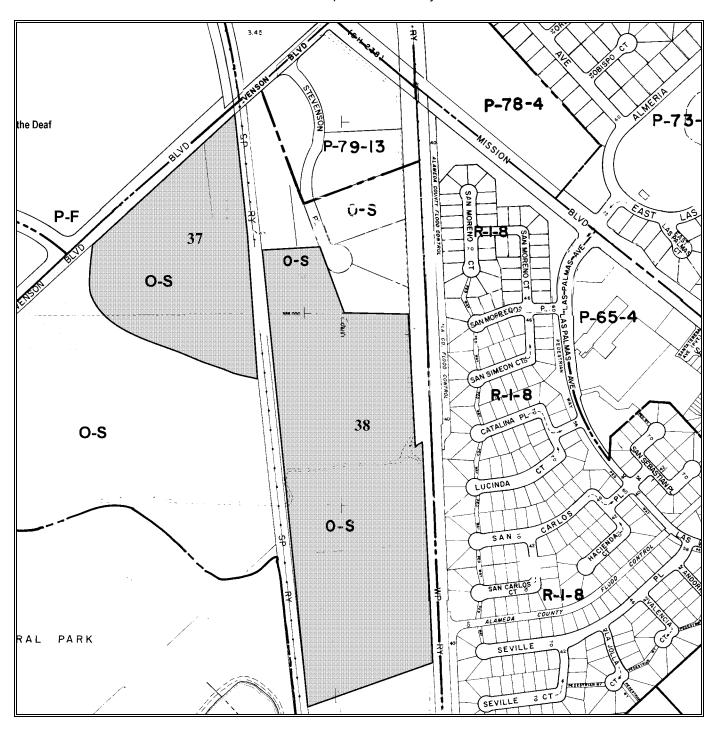
Existing Zoning
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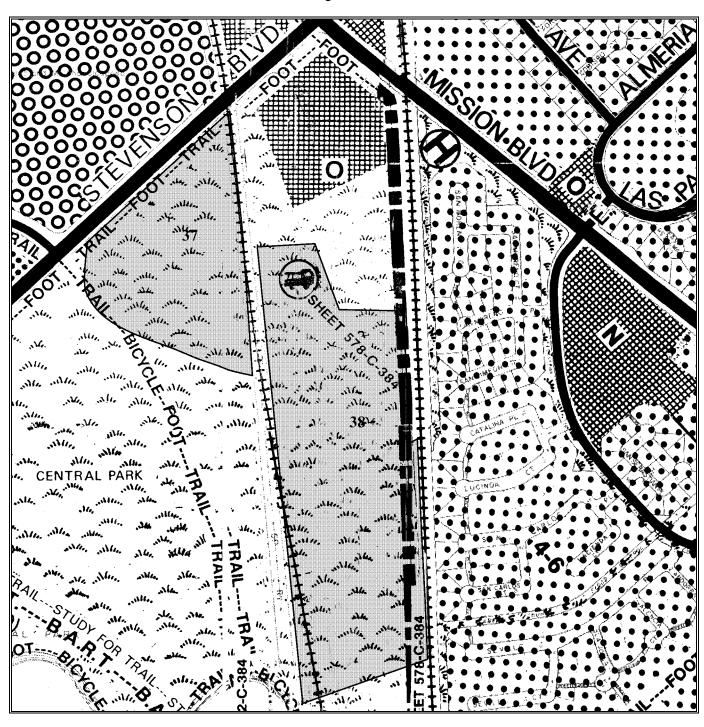


**Existing General Plan** 

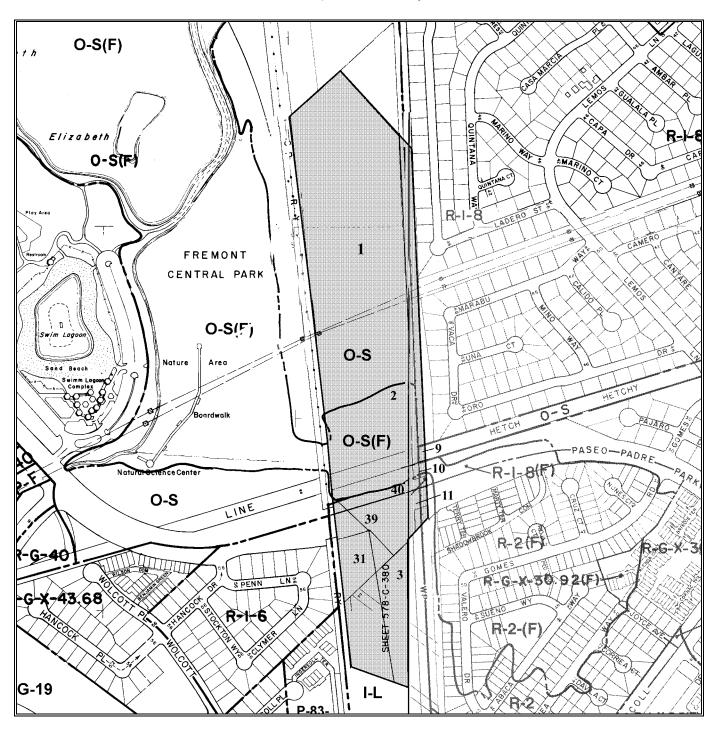


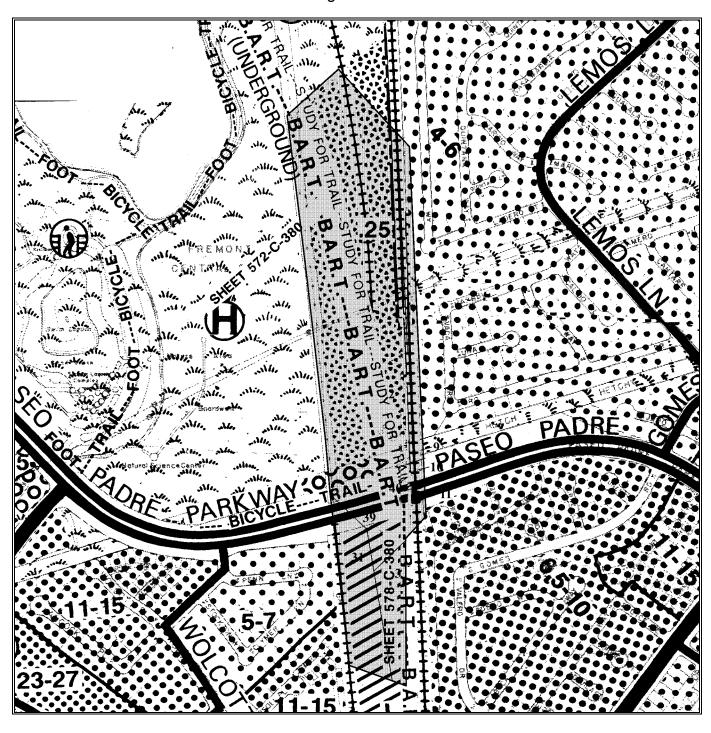
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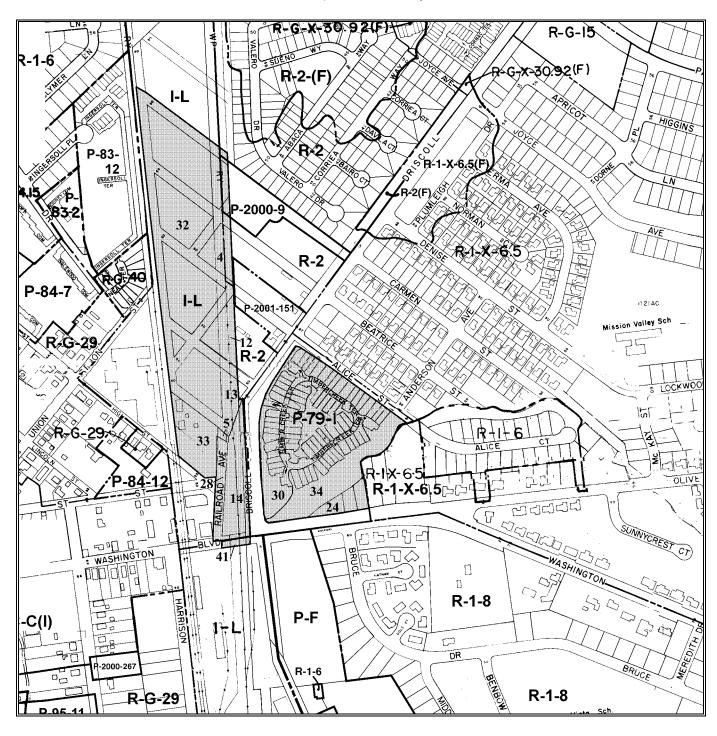


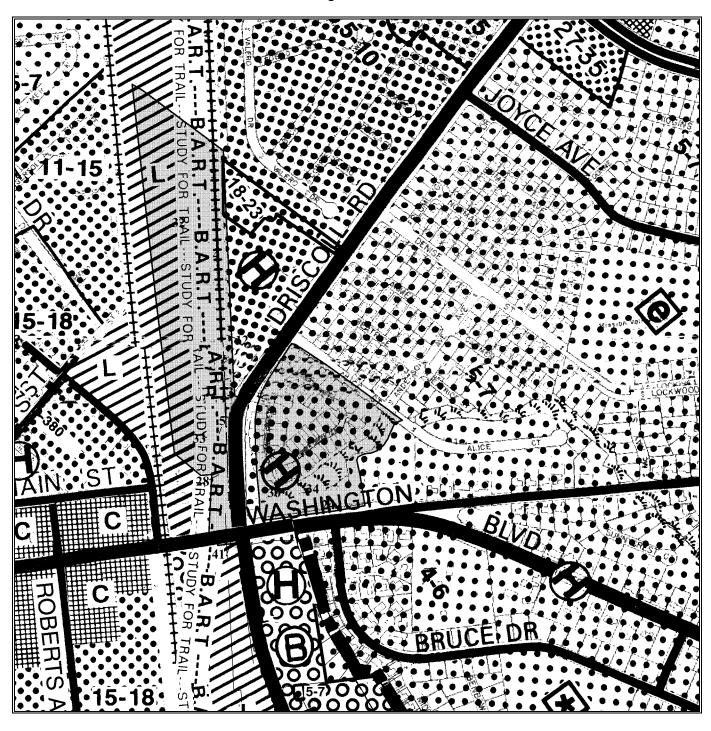
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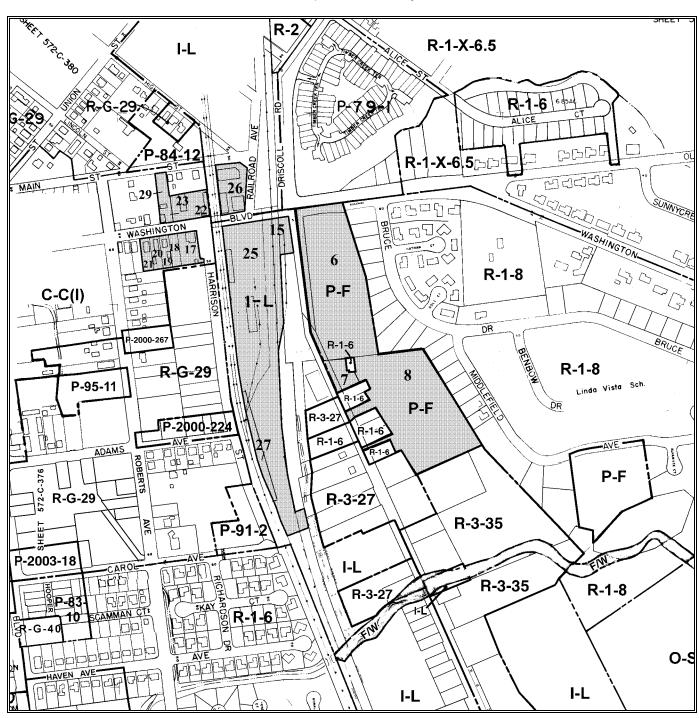


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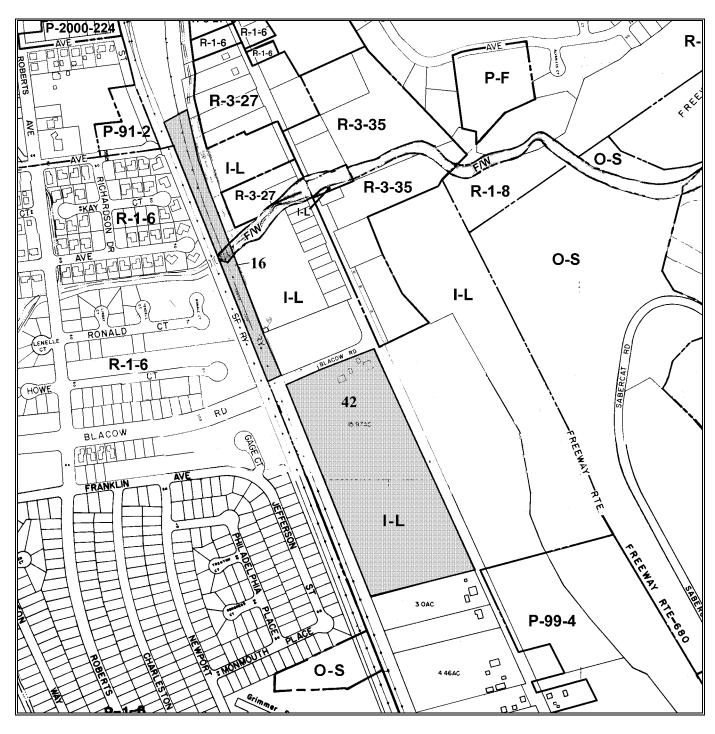


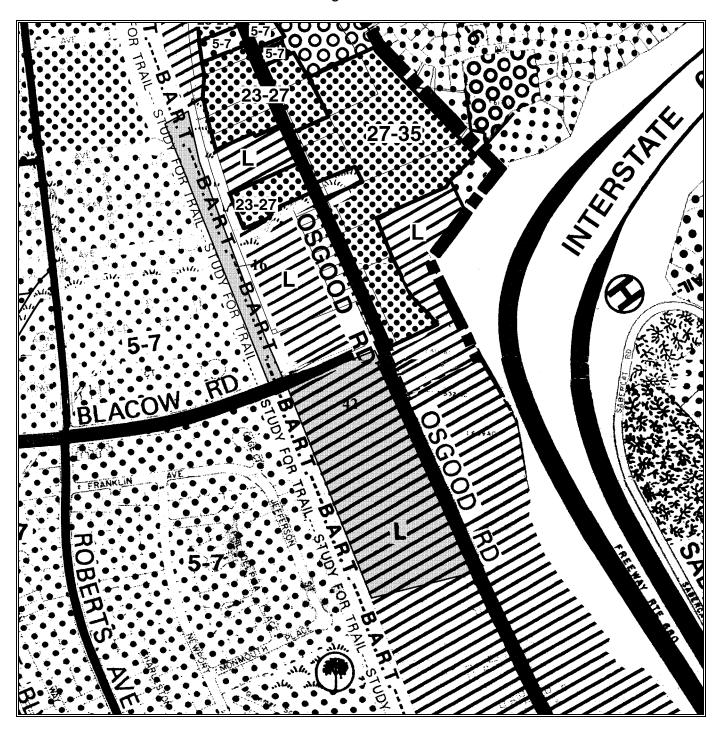
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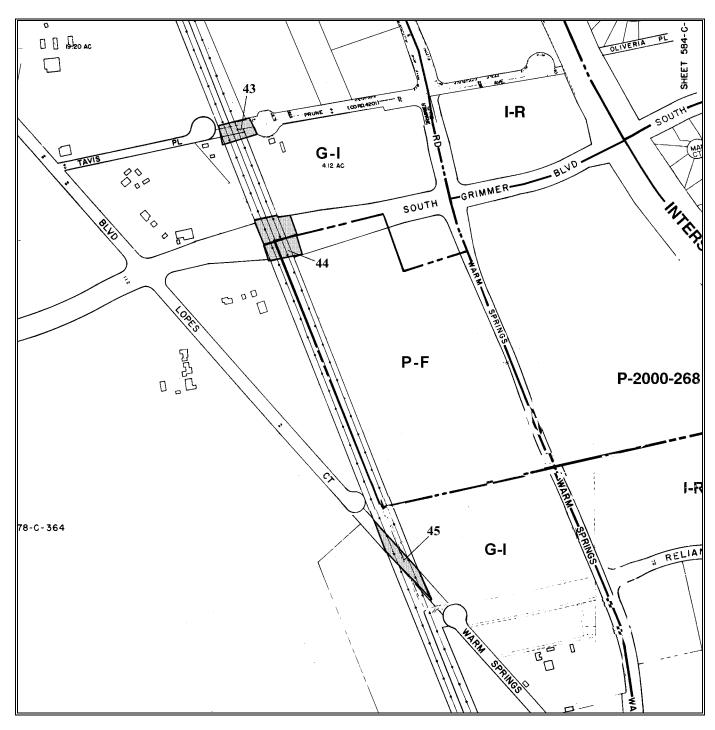


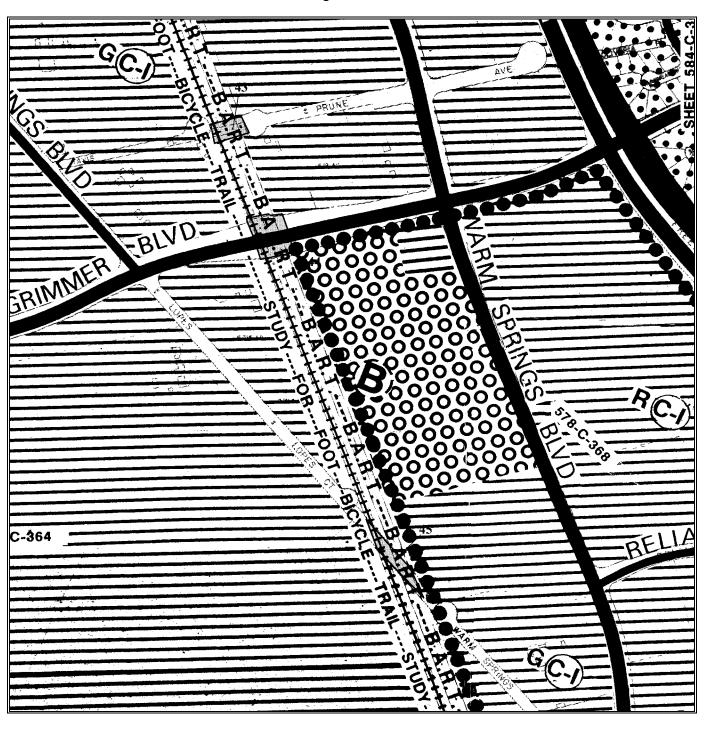
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#### Exhibit "A"

# WASHINGTON BOULEVARD / PASEO PADRE PARKWAY GRADE SEPARATION PROJECT PROPERTY ACQUISITION AND BART PROPERTY EXCHANGE (PLN2005-00097)

#### **FINDINGS**

- 1. The Findings below are made on the basis of information contained in the staff report to the Planning Commission dated October 28, 2004, and information received at the public hearing, incorporated herein.
- 2. The Planning Commission has considered the location, purpose and extent of the proposed acquisition of properties through the proposed BART Property Exchange Agreement for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project, the acquisition of properties from private property owners for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project, and the disposition of City owned properties to BART through the proposed Property Exchange Agreement for the BART Warm Springs Extension (WSX) Project. The Planning Commission hereby finds that the proposed acquisitions and dispositions conform to the adopted City of Fremont General Plan, specifically "Goal F-11: Increased transportation alternatives and reduced dependency on the automobile. While the auto will continue to be the dominant transportation mode for the foreseeable future, it is clear that over-dependence on the auto is not in the city's best interest. The high environmental and monetary cost of maintaining this dependency are indisputable. Fossil fuels are a finite resource that should not be squandered. The City of Fremont should promote strategies to encourage less dependency on the auto."

The dispositions of property to BART are consistent with this Fundamental Goal of the General Plan because the subject area of the dispositions are needed to implement the possible BART route to Warm Springs. Implementation of the BART extension to Warm Springs will provide public transit options in a larger geographic area for drivers who are now dependent on the auto and provide increased local and regional transportation alternatives and accessibility for the future. The BART improvements should increase transportation efficiency while minimizing adverse environmental effects by displacing air-polluting regional auto trips to transit trips.

The future BART alignment to Warm Springs is also shown on the existing General Plan Land Use Maps (Enclosures – Locational Maps).

The City is promoting strategies to encourage less dependency on the auto by collaborating with BART to facilitate construction of the BART WSX Project.

- 3. The Planning Commission further finds that the proposed acquisitions and dispositions would conform with the following General Plan Transportation goals, policies, objectives and implementation programs:
  - Goal T-1: Efficient use of roadway system to provide convenient travel, reduce congestion and improve air quality
  - Objective T 1.2: Smooth traffic flow on most arterials and collectors
  - Policy T 1.2.9: Consider grade separated rail-roadway crossings to improve traffic flow at critical intersections. Prior to approval, grade separated crossings shall be evaluated for their impacts on the character of commercial centers, on neighborhood character, on neighborhood quiet and on scenic vistas from designated scenic roads.

Implementation 1: Designate and prioritize critical rail-roadway crossings.

The acquisitions of property are consistent with this Transportation Goal, Objective, Policy and Implementation Program. The acquisition of properties are essential for the Washington Boulevard / Paseo Padre Parkway Grade Separation Project. Washington Boulevard has historically been utilized as a major east to west arterial connecting

the Mission San Jose and Irvington area and a significant amount of traffic utilizes both Washington Boulevard and Paseo Padre Parkway to access Interstate 680 as well as local destinations. With the existing at-grade crossings, train traffic frequently blocks vehicular traffic, causing significant congestion along Washington Boulevard and Paseo Padre Parkway and nearby cross-streets. Train blocking delays and crossing closures due to train traffic can be eliminated at these critical intersections with the implementation of the Grade Separation Project.

The dispositions of property are also consistent with this Transportation Goal, Objective, Policy and Implementation Program because the dispositions are essential for the BART WSX Project. With the anticipated increase in BART trains on the rail system, the BART WSX Project will promote the efficient use of the roadway system to provide convenient travel by reducing congestion and improving traffic flow, safety and air quality.

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Additionally, an Historic Architectural Survey Report was prepared in March, 2002, to evaluate and identify potential historically and architecturally significant resources in the project area that would be impacted by the Washington Boulevard Grade Separation Project. Two properties, identified to have historic integrity, were reviewed by the Historical Architectural Review Board (HARB) on June 3, 2004. HARB provided input on the process to mitigate the possible demolition of the Irvington Body Shop (circa 1930) at 3734 Washington Boulevard (# 20 & 21, Exhibit "B") and Taylor's Antique Shop (circa 1932) at 3623 Washington Boulevard (# 22, Exhibit "B"), which are located on properties to be acquired from private property owners for the Washington Boulevard Grade Separation Project. At HARB's request, staff advertised in local newspapers and publications, articles and pictures of both properties encouraging the relocation of the buildings by private parties. In the event no interest was expressed by the community to relocate the buildings, HARB agreed with staff's recommendation to mitigate the demolition of the buildings by providing oral history documentation from different owners, color photos, video documentation, and photographs of the interior of the buildings before material is salvaged.

**Goal T-2:** Convenient alternatives to the automobile to conserve energy, reduce congestion, improve air quality and provide a variety of transportation choices to meet a variety of needs

Objective T 2.2: Convenient and attractive rail service to serve Fremont residents, workers and businesses as a viable alternative to the automobile.

Policy T 2.2.1: Encourage the development of rail systems serving Fremont residents, workers and businesses.

Implementation 1: Actively support BART extension to the southern part of Fremont, with stations in Irvington, Warm Springs and South Fremont.

The dispositions of property are consistent with this Transportation Goal, Objective, Policy and Implementation Program because the subject area of the dispositions are needed to implement the possible BART route to Warm Springs. Implementation of the BART Warm Springs extension would increase transportation efficiency and provide convenient rail service to local and regional residents, workers and businesses while minimizing adverse environmental effects by displacing air-polluting regional auto trips to transit trips. The City's support of the BART extension to the southern part of Fremont, including Warm Springs, executes Implementation Program 1.

In summary, these General Plan sections anticipate the BART extension and the Washington Boulevard / Paseo Padre Parkway Grade Separation Project and support the Finding of General Plan conformity.